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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,340	04/18/2006	Siew Leong Kan	1138.P041US/ADR/jt	9688

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EXAMINER	
YOHANNES, TESFAY	
ART UNIT	PAPER NUMBER
2441	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/576,340	KAN ET AL.	
	Examiner	Art Unit	
	TESFAY YOHANNES	2441	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *04 March 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *18 April 2006* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/13/2009 has been entered.

2. This office Action is in responsive to the amendments and Applicant's response filed on 3/4/2010. Claims 1 and 6 are amended. Claims 1-9 are presented for examination.

Drawings

1. The Examiner contends that the drawings submitted on 04/18/2006 are acceptable for examination proceedings.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rappaport et al (US 20040229623 A1), hereinafter Rappaport, in view of Diener (US 7110756 B2), further in view of Brown (US 20030212588 A1), and furthermore in view of Zimmerman et al (US 20010012990 A1), hereinafter Zimmerman.

5. Regarding claim 1, **Rappaport** discloses a wireless network simulation system for simulating wireless network performances for planning a wireless network having a predetermined layout *(a system is provided for allowing an system designer to*

dynamically model a wireless communication system for a building, campus, city or other environment electronically) ***(Rappaport, paragraph [0011]).***

a template database having a plurality of templates of wireless performance data *(database containing information relevant to the prediction of wireless communication system performance)* ***(Rappaport, paragraph [0053]).***

Rappaport does not disclose said wireless performance data is obtained through site surveys of a variety of locations and sites.

In an analogous art **Diener** discloses wireless performance data is obtained through site surveys of a variety of locations and sites (*data collected by the sensors or client devices with location allows for a visual display of information relevant to the performance of a wireless network, such as an 802.11 WLAN)* ***(Diener, column 13, lines 29-32).***

Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the teachings disclosed by **Diener** into the teachings of **Rappaport.**

One would have been motivated to do so in order to enhance telecommunications network planning and designing process.

Rappaport-Diener does not disclose template identifier that operable to access the template database, the template identifier is adapted to receive search terms and to search the template database for matching templates, wherein the search term include design factors relating to wireless network and the predetermined layout.

In an analogous art **Brown** discloses a template identifier that operable to access the template database, the template identifier is adapted to receive search terms search form the template database for matching templates, wherein the search term include design factors relating to telecommunications network and the predetermined layout *(receiving at a user computer a list of object templates from a host computer system, selecting an object template from a list of object templates)* ***(Brown, paragraph [0008]).***

Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the teachings disclosed by **Brown** into the teachings of **Rappaport-Diener.**

One would have been motivated to do so in order to enhance and expedite telecommunications network planning and designing process.

Moreover, **Rappaport-Diener-Brown** does not disclose a wireless network performance contour overlay generator, that operable to process the matching template based on the design factors of the wireless network and create wireless network performance contour overlays from wireless performance parameters extracted from said matching templates and a wireless network performance contour overlay superimposer for receiving predetermined layout.

In an analogous art, **Zimmerman** discloses a wireless network performance contour overlay generator for creating network performance contour overlays from performance parameters extracted from said matching templates *(overlay of the IP protocol layer of the transmissions network of FIG. 1 as generated by a conventional IP*

NMS application) ***(Zimmerman, paragraph [0013])*** and a network performance contour overlay superimposer for receiving predetermined layout *(mapping out an overlay including the network elements operative in the protocol layer)* ***(Zimmerman, paragraph [0005]),*** and superimpose at least one of said wireless network performance contour overlays onto said predetermine layout producing a superimposed layout *(overlays of two or more protocol layers of the model superimposed one on the other)* ***(Zimmerman, claim 3).***

Therefore, it would have been obvious to a person with ordinary skill in the art at the time of the invention to incorporate the teachings disclosed by **Zimmerman** into the teachings of **Rappaport-Diener-Brown.**

One would have been motivated to do so in order to enhance and expedite the communications network planning process.

6. Regarding claim 2, **Rappaport-Diener-Brown-Zimmerman** disclose a system in accordance with claim 1, wherein said template database comprises a test-bed template database and a simulation template *database (the objects and links are stored in a database or other storage arrangement suitable for the specific embodiment)* ***(Brown, paragraph [0046]).***

7. Regarding claim 3, **Rappaport-Diener-Brown-Zimmerman** discloses a system in accordance with claim 2, wherein said plurality of templates comprises a plurality of test-bed templates and a plurality of simulation templates *(Every object can be*

classified into a discrete set of object types. Thus, some embodiments of the present invention include object templates to aid in the creation of new objects) ***(Brown, paragraph [0054]).***

8. Regarding claim 4, **Rappaport-Diener-Brown-Zimmerman** discloses a system in accordance with claim 1, further comprising a displaying means for displaying said superimposed layout *(displaying overlays of protocol layers on a Graphic User Interface (GUI), thereby enabling visual discrimination there between)* ***(Zimmerman, paragraph [0020]).***

9. Regarding claim 5, **Rappaport-Diener-Brown-Zimmerman** discloses a system in accordance with claim 1 further comprising reproduction means for printing said superimposed layout onto some media means *(mapping out an overlay including the network elements operative in the protocol layer)* ***(Zimmerman, paragraph [0005]).***

10. **Claim 6 is a corresponding method claim of system claim 1; therefore rejected under the same rationale.**

11. Regarding claim 7, **Rappaport-Diener-Brown-Zimmerman** discloses a method in accordance with claim 6, wherein said step b further comprises the step of searching a simulation template database and a test-bed template database, in said template

database *(selecting an object template from a list of object templates, entering information defining an object)* ***(Brown, paragraph [0008]).***

12. Regarding claim 8, **Rappaport-Diener-Brown-Zimmerman** discloses a method in accordance with claim 6, wherein said step d. further comprises the steps:

d1. receiving desired performance parameters *(parameters relating to projects that determine applicable ones of the requirements)* ***(Brown, paragraph [0008])***

d2. Extracting said desired performance parameters data from said matching templates in said template database (creating at least one step for each parameter that acquires information relating to the parameter) ***(Brown, paragraph [0008]);*** and

d 3. Generating network performance contour overlays from said desired performance parameters data *(overlay of the IP protocol layer of the transmissions network of FIG. 1 as generated by a conventional IP NMS application)* ***(Zimmerman, paragraph [0013])***

13. Regarding claim 9, **Rappaport-Diener-Brown-Zimmerman** discloses a method in accordance with claim 6, after step c. comprising step c: assigning a matching template if step c. produces no matching template *(selecting an object template from a list of object templates)* ***(Brown, paragraph [0008]).***

Response to Arguments

14. Regarding the Applicant's argument that **Rappaport** in combination with **Brown** fails to disclose a template identifier that is operable to access the template database for matching templates, the Examiner disagrees. **Brown** discloses a template database and selecting matching templates from the database *(receiving at a user computer a list of object templates from a host computer system, selecting an object template from a list of object templates)* ***(Brown, paragraph [0008]).*** As per the added new limitation regarding templates of wireless performance data, which is obtained through site surveys of a variety of locations and sites, the claim necessitated a new search and a new art taught by **Diener** teaches the added limitation that the wireless performance data is obtained through site surveys of a variety of locations and sites (*data collected by the sensors or client devices with location allows for a visual display of information relevant to the performance of a wireless network, such as an 802.11 WLAN)* ***(Diener, column 13, lines 29-32).***

15. Regarding the argument that **Zimmerman** does not disclose a network a performance contour overlay generator, that operable to process the matching template based on the design factors of the wireless network and create network performance contour overlays from performance parameters extracted from said matching templates and a network performance contour overlay superimposer, the examiner respectfully disagrees. **Zimmerman**, on paragraph [0013] discloses an overlay generator, generating overlay of IP protocol layer *(overlay of the IP protocol layer of the transmissions network of FIG. 1 as generated by a conventional IP NMS application)*

(Zimmerman, paragraph [0013]). Furthermore, on FIG. 5B, **Zimmerman**, through a schematic representation discloses performance of an overlay generator.

Conclusion

16. Applicant's arguments filed 06/15/2009 have been fully considered but are moot in view of the new ground(s) of rejection presented in this Office action.

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to TESFAY YOHANNES whose telephone number is (571)270-7528. The examiner can normally be reached on Monday- Friday 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/T. Y./ 4/7/2010
Examiner, Art Unit 2441

/Wing F. Chan/
Supervisory Patent Examiner, Art Unit 2441